

REMARKS

Claim rejection under 35 U.S.C. §112 1st paragraph:

The Office Action rejected Claims 1 and 11-15 as failing to comply with the enablement requirement. The claim language has been amended rendering the rejection moot. Specifically, Claim 12 has been cancelled. The §112 rejections not predicated on Claim 12 have no merit. Claims 1 and 11 do not require both of the two thickness monitors to be within the aperture and thus, such a disclosure is not required. The §112 rejections should be withdrawn.

Claim rejection under 35 U.S.C. § 102:

Claims 2-4 are improperly rejected as being anticipated by Uchida. Claim 2 recites “a thickness monitor arranged within said aperture.”

Uchida does not disclose the thickness monitor within the aperture.

Uchida discloses monitors 19, 24 are disposed above the aperture. (see Figure 2) Therefore, Uchida cannot anticipate Claims 2, 3 or 4 which depend therefrom.

Claim rejections under 35 U.S.C. § 103:

Claim 5 is improperly rejected as being unpatentable over Uchida et al. in view of Bloom.

As noted previously, Uchida does not disclose a thickness monitor arranged within a concentric aperture. Bloom does nothing to obviate this deficiency.

Bloom does not teach a disk with a concentric aperture, or radially arranging the substrates around the concentric aperture or around the thickness monitor, or a thickness monitor arranged within the concentric aperture, and thus, cannot correct the deficiencies of Uchida.

Claim 6 is improperly rejected as being unpatentable over Uchida et al. in view of Bloom as applied to Claim 5 above and further in view of Tomofuji.

Claim 6 recited “multiple substrates rigidly attached to the disk and arranged radially about the concentric aperture.”

The Office applies Tomofuji to supply a teaching for multiple substrates that admittedly are not taught in Uchida or Bloom. The substrates of Tomofuji are not rigidly attached to the disk as required in Claim 6 (e.g., “The substrate holder 2 holds a plurality of lens substrates 3 so that each of the lens substrates 3 rotates about its axis, as shown in FIG 8”). Therefore, the use of multiple substrates as taught by Tomofuji would not result in the invention as claimed.

In addition, the Office’s use of Tomofuji to provide a teaching for multiple substrates does not obviate the deficiencies of Uchida and Bloom as discussed above.

Claim 8 is improperly rejected as being unpatentable over Uchida et al. in view of Ogure.

As noted previously, Uchida does not disclose a thickness monitor arranged within a concentric aperture. Ogure does nothing to obviate this deficiency.

Ogure does not teach a disk with a concentric aperture or radially arranging the substrates around the thickness monitor nor radially about the aperture in the disk, nor a thickness monitor arranged within a concentric aperture. Ogure does not obviate the deficiencies of Uchida with respect to Claim 2, from which Claim 8 depends.

Claim 10 is improperly rejected as being unpatentable over Uchida et al. in view of Tomofuji.

As discussed previously Uchida does not disclose the thickness monitor within the aperture and the Office's application of Tomofuji is to supply a teaching for multiple substrates, that admittedly are not taught in Uchida, is not understood. Multiple fixtures, not multiple substrates are claimed. Only one fixture is disclosed in Uchida and only one fixture is disclosed in Tomofuji. For this reason, and the reasons articulated above with respect to Uchida and Tomofuji, the rejection is improper and must be withdrawn.

Claims 11-13 are improperly rejected as being unpatentable over Uchida et al. in view of Tomofuji as applied to Claim 10 above and further in view of Holland.

Holland does not teach a disk with a concentric aperture or radially arranging the substrates around the concentric aperture and around the thickness monitor, or a thickness monitor within the aperture. Holland does nothing to obviate the deficiencies of Uchida and Tomofuji as described in regards to Claim 10. Therefore, irrespective of the additional patentable subject matter in Claims 11-13 which depend from Claim 10, the rejection of Claims 11-13 are improper and must be withdrawn.

Claim 14 is improperly rejected as being unpatentable over Uchida et al. in view of Tomofuji and Holland as applied to Claims 11-13 above and further in view of Bloom.

As discussed previously, neither Bloom, Holland, nor Tomofuji obviate the deficiencies of Uchida. Therefore, the rejection of Claim 14 is improper.

Claim 15 is improperly rejected as being unpatentable over Uchida et al. in view of Tomofuji, Holland and Bloom as applied to Claim 14 above and further in view of Ogure.

As discussed previously, neither Bloom, Holland, Tomofuji nor Ogure obviate the deficiencies of Uchida. Therefore, the rejection of Claim 15 is improper.

Claim 1 is improperly rejected as being unpatentable over Uchida et al. in view of Tomofuji, Holland, Bloom and Ogure and further in view of Kendrick.

As discussed previously, Uchida does not disclose the thickness monitor within the aperture. The addition of Bloom, Holland, Tomofuji or Ogure does not obviate these deficiencies. Likewise, Kendrick's teaching of a multi-quartz oscillator does not remedy the deficiencies of Uchida.

The rejection is improper.

CONCLUSION

The Applicant requests withdrawal of the rejections and allowance of the application including Claims 1-6, 8, 10-15.

Although an extension of time is not deemed necessary at this time, the Office is hereby authorized to charge any appropriate extension fee to Deposit Account No. 04-1679, Duane Morris LLP.

Respectfully submitted,



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